

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

MARISA BRUNETT,

Plaintiff,

v.

Case No: 6:19-cv-1450-Orl-41GJK

**NIRVANA HEALTH SERVICES, INC.
and SHAM MAHARAJ,**

Defendants.

ORDER

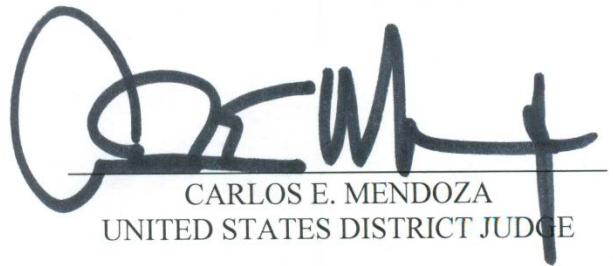
THIS CAUSE is before the Court on Plaintiff's Motion for Entry of Default Final Judgment Against Defendants, Nirvana Health Services, Inc. and Sham Maharaj ("Motion," Doc. 38). United States Magistrate Judge Thomas B. Smith issued a Report and Recommendation ("First R&R," Doc. 39) in which he recommended denying the Motion without prejudice due to the presence of non-defaulting Defendants who were still actively participating in the case. (*Id.* at 2–3). Plaintiff filed Objections to the First R&R ("Objections," Doc. 44), stating that the claims against the non-defaulting Defendants had been resolved. (*Id.* at 2 (citing Joint Stipulation for Dismissal, Doc. 42, at 1); Feb. 4, 2020 Order, Doc. 43, at 1). The Court then construed Plaintiff's Objections as a request to reconsider the Motion and referred the Motion and Objections back to Judge Smith for reconsideration. (Feb. 5, 2020 Order, Doc. 45, at 1).

Judge Smith has now issued a Second R&R (Doc. 46) in which he recommends denying the Motion without prejudice because Plaintiff has "fail[ed] to demonstrate good service of process" on the defaulting Defendants. (*Id.* at 6). After a *de novo* review of the record, and noting

that no objections to the Second R&R were timely filed, this Court agrees entirely with the analysis set forth in the Second R&R. Accordingly, it is **ORDERED** and **ADJUDGED** as follows:

1. The First R&R (Doc. 39) is deemed **MOOT**.
2. The Second R&R (Doc. 46) is **ADOPTED** and **CONFIRMED** and is made a part of this Order.
3. Plaintiff's Motion for Entry of Default Final Judgment Against Defendants, Nirvana Health Services, Inc. and Sham Maharaj (Doc. 38) is **DENIED**.

DONE and **ORDERED** in Orlando, Florida on March 12, 2020.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record